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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,610	04/04/2006	Michel Jan DeRuijter	C4325(C)	4215

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EXAMINER	
DOUYON, LORNA M	

ART UNIT	PAPER NUMBER
1796	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/574,610	DERUIJTER, MICHEL JAN	
	Examiner	Art Unit	
	Lorna M. Douyon	1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 April 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3* is/are rejected.

7)☒ Claim(s) *4-8* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/28/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Objections

1. Claim 1 is objected to because of the following informalities: "neutralizing" (see line 3) and "characterized" (see line 4) are misspelled. Appropriate correction is required.

2. Claims 4-8 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, claims 4-8 have not been further treated on the merits.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mort, III et al. (US Patent No. US 6,258,773), hereinafter "Mort III".

Mort III teaches a process for preparing low density detergent agglomerates which comprises the steps of: (a) agglomerating a first liquid acid precursor of an anionic surfactant and dry starting detergent material having a median particle size in a range from about 5 microns to about 50 microns in a first high speed mixer to obtain

detergent agglomerates having a median particle size of from about 100 microns to about 250 microns; (b) mixing the detergent agglomerates with a second liquid acid precursor of an anionic surfactant in a second high speed mixer to obtain built-up agglomerates having median particle size in a range of from about 140 microns to about 350 microns; and (c) feeding the built-up agglomerates into a fluid bed dryer in which the built-up agglomerates are agglomerated with a third liquid acid precursor of an anionic surfactant and dried to form detergent agglomerates having a median particle size in a range of from about 300 microns to about 700 microns (see col. 3, lines 46-65). Mort III also teaches that it is also preferable to include from 1% to about 40% by weight of recycled undersized detergent particles or "fines" in the first step of the process, and this can be conveniently accomplished by screening the detergent particles formed subsequent to the fluid bed dryer to a median particle size range of from about 10 microns to about 150 microns and feeding these "fines" back into the first high speed mixer (see col. 5, lines 6-12). Other optional steps include conditioning of the detergent agglomerates by subjecting the agglomerates to additional drying and/or cooling by way of apparatus discussed previously (see col. 7, lines 18-21). Mort III, however, fails to specifically disclose the recycle fines in amounts as those recited, and the temperature of the recycle fines.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to select the portion of the prior art's range which is within the range of applicant's claims because it has been held to be obvious to select a value in a known range by optimization for the best results. As to optimization results, a patent will

not be granted based upon the optimization of result effective variables when the optimization is obtained through routine experimentation unless there is a showing of unexpected results which properly rebuts the prima facie case of obviousness. See In re *Boesch,* 627 F.2d 272,276,205 USPQ 215,219 (CCPA 1980). See also In re *Woodruff* 919 F.2d 1575, 1578,16 USPQ2d 1934, 1936-37 (Fed. Cir. 1990), and In re *Aller,* 220 F.2d 454,456,105 USPQ 233,235 (CCPA 1955). In addition, a *prima* facie case of obviousness exists because the claimed ranges "overlap or lie inside ranges disclosed by the prior art", see In re *Wertheim,* 541 F.2d 257,191 USPQ 90 (CCPA 1976; In re *Woodruff;* 919 F.2d 1575,16USPQ2d 1934 (Fed. Cir. 1990). See MFEP 2131.03 and MPEP 2144.05I.

Also, with respect to the temperature of the recycle fines, it would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the temperature of the recycle fines to be within those recited, considering that a cooling step of the detergent agglomerates is taught in col. 7, lines 18-21, hence, when cooled, the temperature of the recycle fines would be less than the temperature in the high speed mixer where a neutralization process is occurring. In addition, temperature is a result-effective variable and its optimization would have been obvious for the same reason as above.

5. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramanan et al. (US Patent No. 6,288,016), hereinafter "Ramanan" in view of Mort III.

Ramanan teaches a process for preparing a granular detergent composition which comprises dispersing linear alkyl benzene sulfonic acid in a CB 30 mixer along with STPP, ground sodium carbonate or light soda ash, and water-insoluble disintegrant, wherein the sulfonic acid is neutralized in this step with the carbonate; the partially agglomerated mixture from the CB 30 mixer is fed into a KM 600 mixer for further agglomeration; the agglomerate mixture is then cooled in a fluid bed cooler (which meets the temperature requirement of claim 2) and fines are stripped off in this step and recycled to the CB 30 mixer (see col. 15, lines 29-50). Ramanan, however, fails to specifically disclose the recycle fines in amounts as those recited.

Mort III, an analogous art, teaches the features as described above. In particular, Mort III teaches that it is preferable to include from 1% to about 40% by weight of recycled undersized detergent particles or "fines" in the first step of the process (see col. 5, lines 6-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate recycle fines into the first mixer, i.e. CB 30 mixer, of Ramanan, in amounts as taught by Mort III and to optimize said amounts through routine experimentation for best results. As to optimization results, a patent will not be granted based upon the optimization of result effective variables when the optimization is obtained through routine experimentation unless there is a showing of unexpected results which properly rebuts the prima facie case of obviousness. See In re *Boesch*, 627 F.2d 272,276,205 USPQ 215,219 (CCPA 1980). See also In re *Woodruff* 919 F.2d 1575, 1578,16 USPQ2d 1934, 1936-37 (Fed. Cir. 1990), and In re *Aller*, 220 F.2d

454,456,105 USPQ 233,235 (CCPA 1955). In addition, a *prima* facie case of obviousness exists because the claimed ranges "overlap or lie inside ranges disclosed by the prior art", see In re *Wertheim,* 541 F.2d 257,191 USPQ 90 (CCPA 1976; In re *Woodruff;* 919 F.2d 1575,16USPQ2d 1934 (Fed. Cir. 1990). See MFEP 2131.03 and MPEP 2144.05I.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references are considered cumulative to or less material than those discussed above.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is 571-272-1313. The examiner can normally be reached on Mondays-Fridays 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lorna M Douyon/
Primary Examiner, Art Unit 1796